



COUNCIL REPORT

Date: April 22, 2024

From: Paula Richardson, Chief Administrative Officer and Phil Chapman,
Chapman Planning & Consulting

Subject: **Village of Belcarra Official Community Plan Bylaw No. 621, 2024
Second and Third Reading**

Recommendation

1. That the consultation requirements under Section 475 of the *Local Government Act* in relation to the Village of Belcarra Official Community Plan Bylaw No. 621, 2024 have been considered specifically with:
 - i. The Board of the Regional District in which the area covered by the plan is located, in the case of a Municipal Official Community Plan;
 - ii. The Board of any Regional District that is adjacent to the area covered by the plan;
 - iii. The Council of any municipality that is adjacent to the area covered by the plan;
 - iv. First Nations;
 - v. Boards of Education, Greater Boards and Improvements Districts Board; and
 - vi. The Provincial and Federal Governments and their agencies.
2. That extensive consultation with all affected parties during the two years of preparation of the draft Official Community Plan Bylaw No. 621, 2024 is sufficient for the purpose of consultation under Section 475 of the *Local Government Act*;
3. That Village of Belcarra Official Community Plan Bylaw No. 621, 2024 be considered in conjunction with the Village of Belcarra Financial Plan and Waste Management Plan; and
4. That it be confirmed that Village of Belcarra Official Community Plan Bylaw No. 621, 2024 is consistent with the Village of Belcarra Financial Plan and Waste Management Plan; and
5. That Village of Belcarra Official Community Plan Bylaw No. 621, 2024 be read a second and third time.

Purpose

To provide Council the opportunity to review additional staff information as well as public input regarding Official Community Plan Bylaw No. 621, 2024 prior to considering second reading.

Background

On February 20, 2024, Official Community Plan Bylaw No. 621, 2024 was introduced to Council for first reading and referred to public hearing on April 8, 2024. The staff report dated February 20, 2024 outlined the most recent changes to the Official Community Plan attached as Schedule A to Bylaw No. 621, 2024. The report noted that, following two meetings in November 2023, the Official Community Plan Review Committee supported the Official Community Plan as revised and forwarded the plan back to Council for readings.

After due consideration, Bylaw No. 621, 2024 was given first reading and the date of April 8, 2024 was set for the public hearing. Advertising for the public hearing through appropriate notification was carried out and incoming correspondence was catalogued and provided to Council. A package for inspection by the public was also prepared.

Also on February 20, 2024, and prior to the introduction of Bylaw No, 621, 2024, Council received a report from the Chief Administrative Officer and Pooni Group reviewing how recent Provincial Housing Legislation will impact short-term rentals, housing and density, development costs and development financing. It was noted that the Village's Zoning Bylaw and draft Official Community Plan currently meet Provincial standards and that the Village has until the end of December 2025 to update its Housing Needs Report and make any required amendments to the OCP. Pooni Group advised that the Village would need to create a development cost charges bylaw to ensure new development pays its share for required infrastructure.

Since the introduction of Bylaw No. 621, 2024 and responding to concerns on the absence of a road ends policy in the OCP, on March 11, 2024 the Chief Administrative Officer provided a verbal report on the disposition of road ends. She advised that the absence of road end policies in the OCP does not preclude the Village from creating a stand-alone road end policy in the future. Subsequently, on April 2, 2024, a full report on road ends was provided with a recommendation that staff be directed to determine the potential for the disposition of several identified road ends.

Public Hearing Response

A summary of public input provided for the April 8, 2024 Public Hearing on Bylaw No. 621, 2024 is provided as Attachment 1. Responses have been broken down into three categories as follows

- 1) Input on policies pertaining to Farrer Cove
 - Nine (9) individuals provided eleven (11) submissions expressing support for the inclusion of a policy to allow individual applications for ½ acre subdivisions and questioning Metro Vancouver Park's authority to restrict vehicle access via the service road through Belcarra Regional Park to the owners of the existing legal lots in Farrer Cove.
- 2) Input on the lack of policy direction regarding road ends
 - Fifty-five (55) signed form letters distributed by a citizens group were received requesting that the OCP include provisions permitting the sale of surplus municipal land . In addition, two other individuals made submissions in favour of including a policy to consider the sale of road ends as a means to raise funds to support future infrastructure projects such as a new firehall.
- 3) Miscellaneous input on other policies contained in the draft OCP
 - One person felt there was not enough public review of the recent changes made to the OCP and expressed concerns over several proposed changes to land uses in Farrer Cove and Woodhaven. One couple also expressed concern over suggested reduction of lot size as well and one person spoke in favour of including a policy prioritizing recreational dock allocation in the OCP.

Approximately 42 people attended the April 8, 2024 Public Hearing held at the Village Hall. A summary of comments provided by speakers at the meeting is provided below.

- Seven comments in favour of allowing ½ lots in Farrer Cove South
- Six comments objecting to Metro Vancouver Parks' position with respect to not issuing road gate keys to owners of newly subdivided lots in Farrer Cove South and not allowing use of this road to transport construction materials or for property services
- Three comments supporting inclusion of a policy on use/disposition of road ends in the OCP
- Three comments on the importance of fire safety
- Three comments on reducing lot sizes in the Village to create less expensive housing
- Two comments on the importance to include a policy on waterfront docks
- One comment on the lack of opportunity for the Official Community Plan Review Committee to consider the many changes between the most recent draft Plan (note that the Chief Administrative Officer clarified that the Official Community Plan Review Committee met twice in November of 2023 to review changes and passed a motion to support the OCP and referred the document back to Council.)

Staff and Consultant Response and Recommendations

In response to residents' input on allowing ½ acre subdivision lots in Farrer Cove South, staff note that the OCP provides for this type of application under Policy M 27. The policy notes new lots created will have to be entirely dependent on water access as Metro Vancouver Parks has advised the municipality that gate keys will not be issued to access the existing service road to the owners of any new lot(s). Contrary to concerns expressed during the public hearing, Metro Vancouver Parks does not control nor approve any subdivision application in Farrer Cove or on Evangelical Layman's Church's (ELC) lands. It is however, within Metro Vancouver's rights to control access on a private road through a park. Policies HCLU 11 and HCLU 12 also support reducing minimum lot sizes in Farrer Cove to ½ acre in the absence of a Subdivision Master Plan developed by a collaboration between resident owners and the ELC.

- Changes to the proposed policies with respect to the development of Farrer Cove South/Special Study Area 2 are not recommended.

Several comments were made that Council should take a stronger leadership role in resolving the access issue to Farrer Cove. Policy M25 addresses this concern by outlining the Village's participation in and support of an appropriate planning process led by the Farrer Cove residents to develop legal road access to the area.

Metro Vancouver Parks was asked to provide clarification on the use of the road to Farrer Cove.

The following responses to questions from staff were provided:

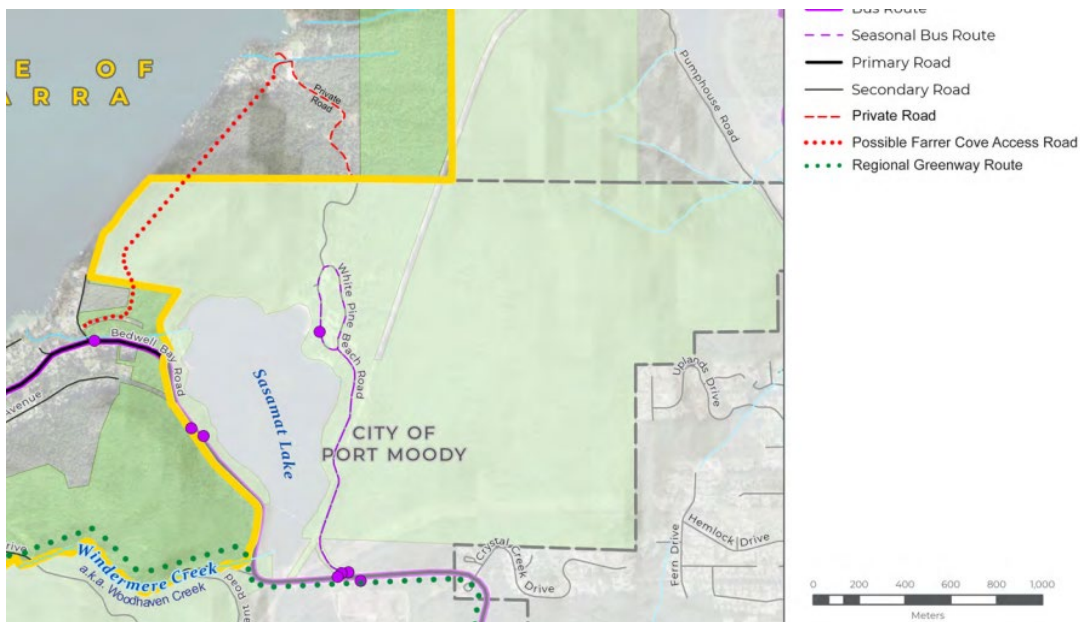
Belcarra Staff Question	Metro Parks Response
1. Clarification on key agreements.	
<ul style="list-style-type: none"> Is the key agreement attached to the property or the resident? 	<p>A key agreement is an exceptional agreement in the nature of a licence between MVRD and a resident owner. The agreement is not attached to the property and the agreements are not registered on title. MVRD considers whether a property owner is eligible for a key agreement, by reference to the historic use of the property and road that existed in connection with that property prior to the time that MVRD acquired the parklands. We provide more explanation of the key agreement further on in our responses.</p>
<ul style="list-style-type: none"> If the property sells, is the new owner given the same rights to the key as the original owner? 	<p>If a house that existed on a property prior to the time that the parkland was granted to MVRD (then GVRD) is sold, the key must be returned to MVRD and the new owner may apply to enter into a key agreement with MVRD, if the proposed use is the same or similar to the historic use. MVRD would consider whether the property is developed to the same degree as it was at the time MVRD acquired the parklands. If, for example, new lots are being created through subdivision, MVRD would not consider that to be a similar use.</p>
<ul style="list-style-type: none"> Can new builds get a key agreement? (new house on a subdivided property or a coach house) 	<p>Residents of a new build/second (new) house on a subdivided property, or a coach house, are not eligible for a key agreement with MVRD. Consistent with the <i>Local Government Act</i>, park land is dedicated and reserved for public park purposes and MVRD cannot permit new proposed private uses of park land that are non-park uses.</p>
<ul style="list-style-type: none"> Can construction vehicles for new builds use the road? 	<p>Construction vehicles are not permitted to use MVRD's road through the park. This suggests that construction activities have the option to use the property's legal water access, subject to any permits required by the Port or other applicable agencies. MVRD cannot permit new proposed private uses of park land that are non-park uses.</p>

<ul style="list-style-type: none"> • Explain historical use for key agreements 	<p>Around the time of the transfer of the parklands to GVRD, the GVRD Board resolved to allow to the Farrer Cove residents of the time the provision of keys to the gates on what is now White Pine Beach Rd., because of the historical informal access these residents enjoyed through the formerly Crown lands. Keys were and are issued further to eligible residents' agreement to the terms and conditions of the Key Agreement, the terms of which may be revised from time to time. If a key agreement holder does not follow the terms and conditions of the key agreement, MVRD may revoke the key agreement along with the permission to access provided by the key agreement. Holders of a key agreement must also abide by the Regional Parks Regulation Bylaw when using the road; no special permissions other than the ability to access through the closed gate, to access along the road while the park is closed, and to access the service road section north of the White Pine Beach Rd. loop are conferred upon a key holder.</p>
<p>2. Can service vehicles (i.e. septic maintenance trucks or roof repair etc.) for general home maintenance use the road? This item was included in the public hearing by one of the speakers "She (the buyer) was told by Metro Vancouver that commercial vehicles are prohibited, and that the road was in the process of being decommissioned."</p>	<p>Service vehicles supporting the regular maintenance and operation of a home lived in by a homeowner that has a key agreement with Metro Vancouver can use the road. The statement regarding prohibition of commercial vehicles was accurate in the context of a question that was asked of MVRD, because the buyer was inquiring about building a new house on a vacant lot.</p>
<p>3. Is there any plan to decommission the current road Farrer Cove residents are using through the Park?</p>	<p>There are no plans to decommission the current road for which eligible Farrer Cove residents have gate keys. No letter has been mailed to Farrer Cove residents by MVRD stating that the road is to be decommissioned.</p>
<p>4. Can Belcarra rename the road to "access road"? See below for comments from Metro regarding renaming the road.</p>	<p>Metro Vancouver's comments provided on August 10, 2023 relate to changing the appearance of the road on the OCP map. The road appearance on the map was showing as a "secondary road" according to the legend on the map. Our request was to change how the road was illustrated on the map (see screen shot below) because it is not a</p>

	<p>secondary road. With respect to how to name the road on the map, while the road has been called an “access” road in previous OCPs we feel this is not an appropriate descriptor. The access provided over the road is only by key agreement to a small number of eligible Farrer Cove residents who meet the conditions of being granted a key agreement. The section of the road that eligible Farrer Cove residents use north of the loop and north to the park boundary appears unnamed in these maps. It could remain unnamed, it could have a ‘service road’ label applied, or it could state “limited access by agreement” directly on the map.</p> <p>We note in passing that the portion of the road that travels through the park is within Port Moody municipal boundaries, not Village of Belcarra municipal boundaries.</p>
--	--

On August 10, 2023 Metro Vancouver staff sent the following comment with regard to the name of the road on the maps:

“Draft OCP maps (all) Maps appear to show the road from White Pine Beach Rd north to the park boundary as ‘secondary road.’ Regional Parks staff request that this road section be distinguished (e.g. different colour/symbology) and marked as private road. This road is not public and is permitted for use by only those properties conforming to their use at the time of the parkland’s Crown grant.”



- Changes to Policy M 25 are not recommended.

Many residents felt it important to include a policy statement in the OCP with respect to the use and disposition of surplus municipal lands. The potential sale of these surplus municipal lands is seen by residents as a source of funds to pay for future infrastructure improvements.

Several residents expressed concern regarding the absence of road end policies in the OCP. As noted, staff provided Council with a report on the potential for the disposition of several identified road ends on April 2, 2024.

- The inclusion of a policy in the OCP regarding the use and disposition of surplus municipal lands is not recommended.

Several residents commented on allowing smaller lots, smaller houses, and multi-unit development in the RS1 zoned area of the Village. Opinions were offered both for and against this concept. It should be noted that there is no policy statement in the OCP to change the Zoning Bylaw or subdivision requirements at this time, however Policy HCLU 2 provides direction for a review of the Zoning Bylaw and subdivision requirements and Policy HCLU 4 provides for consideration of allowing an additional coach house or a second secondary suite on larger lots. HCLU 5 speaks to supporting duplex, triplex or fourplex forms of development.

- Changes to these policies are not recommended.

A concern was raised by a resident that major changes were made to the OCP in the time between September 2022 and March 2024 without input from the OCP Review Committee or residents.

It was clarified that many of the changes made to the draft plan during that period were the result of issues brought up by residents after reading the earlier draft of the OCP document. It also noted that Council directed the consultant to meet with OCP Review Committee. Subsequently, two additional meetings were arranged in November of 2023 to allow the committee to review and revise the draft again. At the November 28, 2023 meeting, the OCP Review Committee recommended Committee support of the Official Community Plan as revised and that the plan be forwarded to a Council meeting for readings.

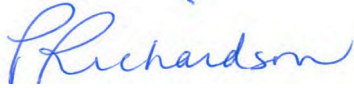
Lastly, two residents commented on the need to include a policy in the OCP to address current dock agreement issues of retention and allocation. It is noted that these matters are under Provincial and Federal jurisdiction.

- It is recommended that this matter not be addressed in the Official Community Plan as it out of the Local Government mandate. Any future changes to be on a Federal or Provincial level will have application beyond the Village of Belcarra.

Conclusion

This report provides a summary of correspondence received and comments made at the April 8, 2024 Public Hearing for the Village of Belcarra Official Community Plan Bylaw No. 621, 2024 for Council consideration as well as recommendations from staff and the planning consultants.

It is recommended that the Official Community Plan Bylaw No. 621, 2024 be given second reading. Following second reading and inclusion of any amendments which may be recommended by Council, the bylaw will be brought forward for third reading and then will be forwarded to Metro Vancouver for acceptance of the Regional Context Statement. Following Metro Vancouver's acceptance of the Regional Context Statement, Bylaw No. 621, 2024 will be provided to Council for adoption.



Prepared by: Paula Richardson
Chief Administrative Officer



Prepared by: Phil Chapman
Chapman Planning and Consulting

The following appendices are attached hereto:

Appendix A Village of Belcarra Official Community Plan Bylaw No. 621, 2024
Appendix B Official Community Plan Document